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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,970	10/10/2003	James E. Lange	DIE0009.01	1852
27187	7590	02/03/2006	EXAMINER	
BAKER & DANIELS LLP 205 W. JEFFERSON BOULEVARD SUITE 250 SOUTH BEND, IN 46601			COY, NICOLE A	
			ART UNIT	PAPER NUMBER
			3672	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/683,970	Applicant(s) LANGE, JAMES E.	
	Examiner Nicole Coy	Art Unit 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 10-12 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 4-9, 13-18 and 22-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/19/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/18/2005, with respect to the rejection(s) of claim(s) 1-4, 8-13, 17-21, and 25 under 102(b) and 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Pajari, Sr.

Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

3. The disclosure is objected to because of the following informalities: (1) The first sentence on page 2 is an incomplete sentence. (2) On page 3, the first two paragraphs and both numbered paragraph 10. (3) On page 4, paragraph [0021], applicant refers to application 10/083,206, which is now patent number 6,739,410. This paragraph should be amended to include the updated information.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 10-12, and 19-20 rejected under 35 U.S.C. 102(b) as being anticipated by Pajari, Sr. (USP 5,116,147).

With respect to claim 1, Pajari, Sr. discloses an adapter coupling (see figure 1) for connecting a soil sampler barrel to a drill rod, said adapter coupling comprising a barrel adapter (5) for attaching said adapter coupling to the sampler barrel (see figure 1), a rod adapter (1) for connecting said adapter coupling to the drill rod (see figure 1), and an isolating mechanism (12) to isolate the sampler barrel from any upward vibratory movement of the drill rod so that the sampler barrel receives only downward motion from the drill rod (see column 1 line 60 to column 2 line 19).

With respect to claim 2, Pajari, Sr. discloses an isolating mechanism (12) that includes an isolator box connected to said rod adapter (see figure 1).

With respect to claim 3, Pajari, Sr. discloses an isolator pin attached to said barrel adapter (see figure 1).

With respect to claim 10, Pajari, Sr. discloses a soil sampling system comprising a drill rod (8), a sampler barrel (7) and an adaptor (5) for attaching said adapter coupling to said sampler barrel, a rod adapter (1) for connecting said adapter coupling to said

Art Unit: 3672

drill rod, and an isolating mechanism (12) to isolate said sampler barrel from any upward vibratory movement of said drill rod so that said sampler barrel receives only downward motion from said drill rod (see column 1 line 60 to column 2 line 19).

With respect to claim 11, Pajari, Sr. discloses an isolating mechanism (12) includes an isolator box connected to said rod adapter (see figure 1).

With respect to claim 12, Pajari, Sr. discloses an isolator pin attached to said adapter (see figure 1).

With respect to claim 19, Pajari, Sr. discloses an adapter coupling for use with a vibratory drill, said adapter coupling comprising a rod adapter (1) for connection to a drill rod (8), a barrel adapter (5) for connection to a sampler barrel (7), and an isolating means (12) for isolating movement of said sampler barrel from upward vibratory movement of said drill rod (see column 1 line 60 to column 2 line 19).

With respect to claim 20, Pajari, Sr. discloses that said isolating means (12) includes an isolator box connected to said rod adapter and an isolator pin connected to said barrel adapter (see figure 1).

Allowable Subject Matter

6. Claims 4-9, 13-18, and 21-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3672


Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicole Coy whose telephone number is 571-272-5405. The examiner can normally be reached on M-F 8:00-5:30, 1st F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

nac


William Neuder
Primary Examiner